

REMARKS

Claims 1-20 are currently pending in the present application.

I. DOUBLE PATENTING REJECTION

Claims 8 and 9 stand rejected under 35 U.S.C. §101 based upon double patenting in view of U.S. Patent No. 6,499,622 by Neiner (“Neiner”). Insofar as they may be applied against the Claims, these rejections are overcome because the language of Claims 8 and 9 of the present application are no longer coextensive in scope with Claims 1 and 9 of the Neiner patent, respectively, in light of the amendment to Claim 1 made herein.

Claims 1-20 stand rejected under obviousness-type double patenting Neiner. Insofar as they may be applied against the Claims, these rejections are overcome.

Applicant has filed a terminal disclaimer in conjunction with this Response. Therefore, Applicant submits that the rejections of Claims 1-20 are overcome. Accordingly, Applicant respectfully requests that the rejections under obviousness-type double patenting in view of Neiner be withdrawn.

II. REJECTIONS UNDER 35 U.S.C. §102(e)

Claims 1, 4-7, 10, 11, 17, and 19 stand rejected under 35 U.S.C. §102(e) in view of U.S. Patent No. 5,971,259 by Bacon (“Bacon”). Applicant respectfully submits that Bacon does not anticipate the invention of the present application, as explained below, and this rejection should be withdrawn. Bacon discloses a can lid in which the chuckwall has 2 portions, the first or lower portion extending at an angle of 10-20 degrees (Bacon, col. 5, lns. 27-28) from vertical, and the second or upper portion extends at an angle of 2.5 to 8.0 degrees (Bacon, col. 5, lns. 24-26). In

contrast, the present invention discloses and claims a can lid in which the first or lower portion is at an angle of from about 20-80 degrees (Application, p. 7, lns. 14-16). Additionally, in the present invention, the step, or second portion, is curved with a radius of curvature from about 0.02 to 0.06 inches (Application, p. 7, lns. 17-20), rather than being straight and inclined at an angle as is the second portion in Bacon. Additionally, Bacon discloses it is intended for use with materials having a thickness of less than 0.007 inches (Bacon, col.4 , lns. 12-16), while the present invention is intended for use with sheet metal having a thickness of about 0.080 inches or more (Application, p. 5, lns. 18-20). Thus, it can be seen that Bacon does not fully anticipate the can lid of the present invention. Therefore, Applicant respectfully requests that the rejection of Claims 1, 4-7, 10, 11, 17 and 19 over Bacon be withdrawn.

Applicant therefore submits that amended Claim 1 is clearly and precisely distinguishable over the cited reference in a patentable sense, and is therefore allowable over this reference and the remaining references of record. Accordingly, Applicant respectfully requests that the rejection of amended Claim 1 under 35 U.S.C. § 102(e) in view of Bacon be withdrawn and that Claim 1 be allowed.

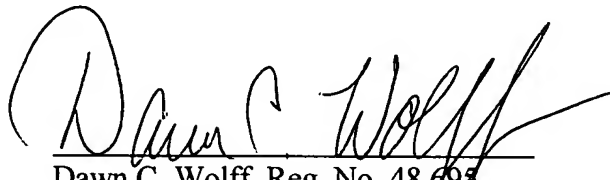
Claims 2-20 depend on and further limit Claim 1. Hence, for at least the aforementioned reasons, these Claims would be deemed to be in condition for allowance. Applicant respectfully requests that the rejections of dependent Claims 4-7, 10, 11, 17 and 19 also be withdrawn.

CONCLUSION

Applicant has now made an earnest attempt to place this application in condition for allowance. Therefore, Applicant respectfully requests, for the reasons set forth herein and for other reasons clearly apparent, allowance of all pending claims so that the application may be passed to issue. If the Examiner has any questions or desires clarification of any sort, or deems that any further amendment is desirable to place this application in condition for allowance, the Examiner is invited to telephone the undersigned at the number listed below.

Applicant also believes that no fee for the subject document is required. However, the Commissioner is hereby authorized to charge any fee or credit any overpayment to Deposit Account #50-2180 should such be deemed necessary

Respectfully submitted,


Dawn C. Wolff, Reg. No. 48,695

Storm LLP
Bank of America Plaza
901 Main Street, Suite 7100
Dallas, TX 75202
214.347.4705
214.347.4799